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August 10, 2021

**Via ECF**

Hon. Brian M. Cogan, U.S.D.J.  
United States District Court  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Jose Panora v. Deenora Corp., et al., E.D.N.Y. Case No. 19-CV-7267 (BMC)**

Your Honor:

Our firm represents Defendants in the above-referenced matter. This letter is respectfully submitted to seek a 4-week extension of the August 18, 2021 deadline to oppose Plaintiff's motion for attorney's fees, until **September 14, 2021**. This is the first request for an extension of the aforesaid deadline. Granting this request will not affect any other dates or deadlines.

This request for extension is necessitated by the pre-existing personal and professional commitments of Mr. Solomon and the undersigned during upcoming weeks. We note that while others from our office have previously participated in the defense of this matter, Mr. Solomon and I are the only attorneys who will be involved in preparing of the opposition to Plaintiff's motion for fees. Unfortunately, our client and his business have been financially devastated by the pandemic, the associated restrictions, and (most of all) by this lawsuit. Defendants simply can no longer afford additional counsel.

The pending attorney's fees motion presents significant questions, in view of the protracted and unusual prior proceedings in this case. It will take a substantial amount of time for us to research and brief our opposition. We respectfully request that the Court extend our deadline to file our opposition to September 14<sup>th</sup>, due to the competing obligations discussed below.

Presently, Mr. Solomon and I are focused on preparing for mediation of a complex wage-and-hour class and collective action set to be held next week. Thereafter, until September, I will be unable to attend to the fees motion opposition, due to court appearances, arbitration conferences, and deposition preparation in multiple matters, and number of time-sensitive deadlines in other cases that cannot be extended. Similarly, Mr. Solomon's schedule for the rest of August includes various other motions and filings that are time-sensitive. In addition, over the next several weeks, Mr. Solomon will be assisting with the care of his mother-in-law who was just released from a hospital after a week of hospitalization due to an emergent and serious health condition.

From September 2<sup>nd</sup> to September 5<sup>th</sup>, I will be on a long-planned trip to California for a close friend's wedding. Mr. Solomon will be away from the office from September 6<sup>th</sup> to September 8<sup>th</sup> due to his observance of the Rosh Hashana holiday.

Notably, we agreed unreservedly to Plaintiff's request to extend their deadline to file their attorney's fees motion. Given that the main controversy between the parties is now resolved, and the numerous legitimate grounds we gave in support of an extension, it is unfortunate that Plaintiff's counsel did not reciprocate our courtesy, refusing consent for an extension beyond September 1.

Plaintiff will point out that four attorneys have appeared on this matter. However, of note, since December 2020, Mr. Solomon and I have been the lawyers principally handling this case on Defendants' behalf. As such, we are best positioned to address Plaintiff's fee application.

Finally, we have reviewed Plaintiff's Memorandum of Law in support of his motion for attorneys' fees. That document seeks an award of fees against all Defendants' "jointly and severally." The relevant page of Plaintiff's Memorandum of Law demonstrating same is attached as Exhibit "A."

As Plaintiff is well aware, a judgment has been entered only against Deenora Corp. and all claims against the other Defendants have been dismissed. *See* Dkt # 95. Accordingly, there is no "joint and several" liability for attorneys' fees. Rather than waste time briefing this point in motion practice, we want to see if we can meet and confer with Plaintiff's counsel to resolve it independently. While we do not believe that this issue will require until September 14 to resolve, we believe that such an extension is warranted given this issue and all the other reasons set forth herein.

For the reasons stated above, we respectfully request that the Court provide us with extension through September 14<sup>th</sup> of the deadline to oppose Plaintiff's motion for attorney's fees.

If the Court grants this request, we will not seek any further extensions with respect to the fees motion, absent emergent circumstances. We thank the Court for considering this application.

KAUFMAN DOLOWICH & VOLUCK, LLP



By: \_\_\_\_\_  
Taimur Alamgir

cc: Plaintiff's counsel via ECF